



Commonwealth of Kentucky  
Office of the Attorney General

Daniel Cameron  
Attorney General

Capitol Building, Suite 118  
700 Capital Avenue  
Frankfort, Kentucky 40601  
(502) 696-5300  
Fax: (502) 564-2894

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**OAG 20-16**

*Subject:* Is the 100-foot electioneering ban contained in KRS 117.235(3)(a) measured from the entrance to the polling place or from the voters in line at a polling place?

*Requested by:* Secretary of State Michael G. Adams

*Written by:* Marc Manley  
Charles A. English  
Assistant Attorneys General

*Syllabus:* KRS 117.235(3)(a) prohibits electioneering within 100 feet of the entrance of a polling place.

***Opinion of the Attorney General***

Amid the current public health emergency caused by the novel coronavirus (COVID-19), and given recommendations on social distancing measures and reduced polling locations, voters may encounter long lines at their polling places. For that reason, Secretary of State Michael G. Adams asks whether the 100-foot electioneering ban contained in KRS 117.235(3)(a) is measured from the entrance to the polling place or from the voters in line at a polling place. Based on the statutory text, the Attorney General concludes that the 100-foot electioneering ban found in KRS 117.235(3)(a) is measured from the entrance to a polling place.

As the Supreme Court of Kentucky has noted, “the first rule of statutory interpretation is that the text of the statute is supreme.” *Owen v. Univ. of Kentucky*, 486 S.W.3d 266, 270 (Ky. 2016). Here, KRS 117.235 explicitly prohibits electioneering “at the polling place on the day of any election . . . within a distance of one hundred (100) feet of any *entrance to a building* in which a voting machine is located if that entrance is unlocked and is used by voters on election day.” KRS 117.235(3)(a) (emphasis added). Accordingly, the text of the statute controls. *See Meyer v. Nebraska*, 262 U.S. 390, 401 (1923) (stating that “a desirable end cannot be promoted by prohibited means”). “[I]f a statute is clear and unambiguous and expresses the legislature’s intent, the statute must be applied as written.” *Hall v. Hospitality Res., Inc.*, 276 S.W.3d 775, 784 (Ky. 2008). Thus, on Election Day, electioneering is prohibited within 100 feet of any *entrance* to a polling place.

**Daniel Cameron**  
**ATTORNEY GENERAL**

Marc Manley  
Charles A. English  
Assistant Attorneys General